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OCT 27 2004

# FACSIMILE COVER SHEET

**Deliver to:** Minh Dinh, USPTO

Art Group: 2132

Facsimile No.: 703-872-9306

Date: October 27, 2004

From: William W. Schaal, Reg. No. 39,018

Our Docket No.: 42390P9257

Number of pages 14; including this sheet.

Application No.: 09/747,238

Filing Date: 12/22/2000

Docket Due Date(s): 11/27/2004

**Enclosed are the following documents:**

- ☒ Amendment: Response ( 10 pgs)  
☐ Appeal Brief (in triplicate) ( \_\_\_\_ pgs)  
☐ Application: \_\_\_\_\_  
                     ( \_\_\_\_ pgs) w/cover & abstract  
☐ Assignment & Cover Sheet ( \_\_\_\_ pgs)  
☒ Certificate of Facsimile\_\_\_\_\_  
☐ Continued Prosecution Application (CPA)  
☐ Declaration & POA ( \_\_\_\_ pgs)  
☐ Drawings: \_\_\_\_ sheets, \_\_\_\_ figures  
☐ Extension of Time: \_\_\_\_\_  
☒ Fee Transmittal (in duplicate)  
☐ IDS & PTO/SB/08 ( \_\_\_\_ pgs)  
☒ Other \_\_\_\_\_

☐ Issue Fee Transmittal  
☐ Notice of Appeal  
☐ Petition for: \_\_\_\_\_  
☐ Request for Continued Examination (RCE)  
☐ Reply Brief ( \_\_\_\_ pgs)  
☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)  
☐ Request to Rescind Previous Nonpublication Request  
☐ Response to Notice of Missing Parts & Formalities Letter  
☐ Response to Written Opinion ( \_\_\_\_ pgs)  
☐ Terminal Disclaimer  
☐ Transmittal of Publication Fee Due  
☒ Transmittal Letter

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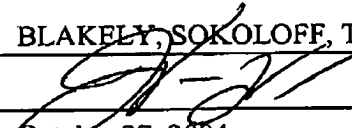
Susan McFarlane 10/27/2004  
Susan McFarlane Date

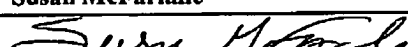
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/747,238
		Filing Date	December 22, 2000
		First Named Inventor	David W. Grawrock
		Art Unit	2132
		Examiner Name	Minh Dinh
Total Number of Pages in This Submission	13	Attorney Docket Number	42390P9257

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

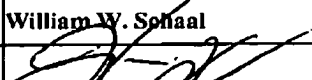
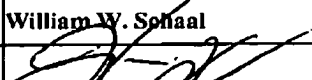
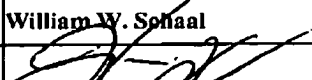
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 27, 2004

CERTIFICATE OF MAILING/TRANSMISSION			
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Signature		Date	October 27, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<b>FEE TRANSMITTAL for FY 2004</b>		<i>Complete if Known</i>	
<small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		Application Number	09/747,238
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 22, 2000
		First Named Inventor	David W. Grawrock
		Examiner Name	Minh Dinh
TOTAL AMOUNT OF PAYMENT (\$)		Art Unit	2132
		Attorney Docket No.	42390P9257

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																													
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The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.18 and 1.20. <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account		<table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>2053</td><td>130</td><td>2053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920 *</td><td>1804</td><td>920 *</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840 *</td><td>1805</td><td>1,840 *</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2,080</td><td>2255</td><td>1,040</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1404</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>2451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>1,370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,370</td><td>2501</td><td>685</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>660</td><td>2503</td><td>330</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>130</td><td>2460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1808</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>790</td><td>1809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="6">Other fee (specify) _____</td></tr><tr><td colspan="6" style="text-align: right;">SUBTOTAL (3) (\$)</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2" style="text-align: center;">FEE CALCULATION</th></tr></thead><tbody><tr><td colspan="2"><b>1. 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Schaal</td><td>Registration No. (Attorney/Agent)</td><td>39,018</td></tr><tr><td>Signature</td><td></td><td>Telephone</td><td>(714) 557-3800</td></tr><tr><td></td><td></td><td>Date</td><td>10/27/04</td></tr></tbody></table> <p><small>Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor &amp; Zafman (w/r) 02/10/2004. SEND TO: Commissioner for Patents, P.O. 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1460	130	2460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																																											
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1808	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																																																											
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																											
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																																																																																																											
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																																																																																																											
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1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																											
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Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018																																																																																																																																																																																																																																																																																																																												
Signature		Telephone	(714) 557-3800																																																																																																																																																																																																																																																																																																																												
		Date	10/27/04																																																																																																																																																																																																																																																																																																																												

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00

## Complete if Known

Application Number	09/747,238
Filing Date	December 22, 2000
First Named Inventor	David W. Grawrock
Examiner Name	Minh Dinh
Art Unit	2132
Attorney Docket No.	42390P9257

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
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1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

## 2. EXTRA CLAIM FEES

Total Claims	27	25	=	0	X	18.00	=	\$0.00
Independent Claims	5	5	=	0	X	88.00	=	\$0.00
Multiple Dependent								

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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SUBTOTAL (2)					(\$)

\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2063	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1404	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
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1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

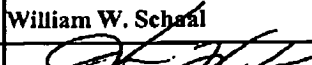
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature				Date	10/27/04

Based on PTO/SB/17 (10-02) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/10/2004  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/747,238  
Amdt. Dated October 27, 2004  
Reply to Office Action of August 27, 2004

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 27 2004**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 09/747,238  
Applicant : David W. Grawrock  
Filed : 12/22/2000  
TC/A.U. : 2132  
Examiner : Minh Dinh

Confirmation No. 9482

Docket No. : 42390P9257  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office action of August 27, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.